IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.92 OF 2005

The Commissioner of Income Tax
City-V, Mumbai. .. Appellant
V/s
M/s.B.K.Kapurchand Pvt.Ltd. .. Respondent

Mr.A.S.Rao for the Appellant.
Mr.Pramod Vaidya for the Respondent.

CORAM: DR.S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 13.01.2006.

P.C.:

1. Heard the learned Counsel for the parties. Mr.Rao, the learned Counsel for the Appellant states that the above appeal is squarely covered by the judgment of the Supreme Court in the case of **CIT V/s.Cadell Weaving Mills Co.Ltd. - 273 ITR 1 (SC),** against the Revenue and in favour of the Assessee. The learned Counsel for the Appellant therefore seeks leave to withdraw this Appeal. Appeal is therefore allowed to be withdrawn and stands dismissed as such.

2. Permissible court fees be refunded to the Appellant as per the Rules.

(DR.S.RADHAKRISHNAN, J.)

(J.P.DEVADHAR, J.)